



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Mary FARIS et al.

Examiner: A. Harris

Group Art Unit: 1643

Serial No.: 09/809,638

Filing Date: 14 March 2001

For: 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN VARIOUS  
CANCERS

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**PETITION UNDER 37 CFR §1.183 AND DECLARATION OF SHANE M. POPP**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Shane M. Popp, declare as follows:

1. I am the Manager, Legal for Agensys, Inc., the assignee of the above-referenced patent application. In my duties, I am responsible for the prosecution of said application.
2. Pursuant to 37 C.F.R. 1.183, assignee and real-party-in-interest, Agensys, Inc. and co-inventors Aya Jakobovits, Daniel E.H. Afar, Pia M. Challita-Eid, and Arthur B. Raitano respectfully state that co-inventor Steve Chappell Mitchell is unavailable to join the application for patent, and requests that this application be accepted for examination and that the attached declaration be accepted without the signature of co-inventor Steven Chappell Mitchell.
3. To date, after diligent effort, the signature of the co-inventor Steven Chappell Mitchell has yet to be obtained.

4. Steven Chappell Mitchell's last known address is:

601 Linden Place  
Loft #311  
Evanston, IL 60201

5. On 27 January 2006, I personally mailed, via DHL / Worldwide Express, to Steven Chappell Mitchell, at his last known address, a package containing a letter that requested his signature on a Declaration under 37 C.F.R. 1.131. The package also contained three exhibits which confirmed the need to file a 1.131 Declaration and a return DHL envelope for his convenience in returning the executed Declaration. See Exhibit A.

5. Attached hereto as Exhibit B is a copy of the delivery confirmation sent by DHL / Worldwide Express indicating that the package was delivered 30 January 2006 at 10:32 a.m.

6. On 03 March 2006, I personally mailed, via DHL / Worldwide Express, to Steven Chappell Mitchell, at his last known address, a second package containing a letter that requested his signature on a Declaration under 37 C.F.R. 1.131. The package also contained three exhibits which confirmed the need to file a 1.131 Declaration and a return DHL envelope for his convenience in returning the executed Declaration. See Exhibit C.

7. Attached hereto as Exhibit D is a copy of the delivery confirmation sent by DHL / Worldwide Express indicating that the package was delivered 06 March 2006 at 11:35 a.m.

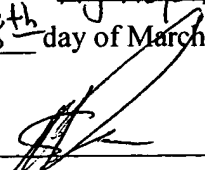
8. To date, we currently have not received an executed copy of the 1.131 Declaration.

9. I believe a diligent *bona fide* attempt has been made to obtain the signature of Steven Chappell Mitchell. In addition, I believe the inaction on behalf of Steven Chappell Mitchell clearly shows that Steven Chappell Mitchell cannot be reached and is unavailable.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Executed at Agensys, Inc. located at 1545 17<sup>th</sup> Street, Santa Monica, California 90404 on this 8<sup>th</sup> day of March 2006.

By:

  
Shane M. Popp J.D., LL.M.  
Manager, Legal  
Agensys, Inc.

03 March 2006

**Sent via Worldwide Express / DHL**

Mr. Steven Chappell Mitchell  
601 Linden Place  
#311 loft  
Evanston, IL 60201

RE: U.S. Patent Application:  
Title: 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN  
VARIOUS CANCERS  
Serial No.: 09/809,638  
Our Ref.: 51158-20035.00

Dear Steve:

Further to our previous letter dated 27-January-2006, please find enclosed a Declaration under 37 C.F.R. §1.131 for the above-referenced patent application for which you are listed as an inventor. The need for a §1.131 Declaration came about when; during prosecution of the above-referenced case, the Patent Examiner cited WO/200270539 as allegedly anticipating our claims.

37 C.F.R. 1.131(a) states in pertinent part:

“When any claim of an application is rejected, the inventor of the subject matter of the rejected claim may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.”

Accordingly, please find enclosed a copy of the 1.31 Declaration for your execution on the above-referenced matter, a copy of a document demonstrating reduction to practice prior to the WO/200270539 document which has an effective date of 05 March 2001.

Please review the enclosed documents and sign and date the enclosed §1.131 Declaration and return it to us as soon as possible. I have enclosed a return DHL envelope for your convenience.

If you have any questions feel free to contact me at 310.820.8029 ext. 205.

With regards,

  
Shane M. Popp J.D., LL.M.  
Manager, Legal

Enclosures

**BEST AVAILABLE COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Mary FARIS, et al.

Application No.: 09/809,638

Filed: March 14, 2001

For: 125P5C8: A TISSUE SPECIFIC PROTEIN  
HIGHLY EXPRESSED IN VARIOUS  
CANCERS

Art Unit: 1643

Examiner: A. Harris

**DECLARATION BY INVENTORS**  
**UNDER 37 C.F.R. § 1.131**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We, the undersigned, declare as follows:

1. We are co-inventors of claims 1, 14 and 23, currently pending in the above-referenced application. The claims relate to an isolated 125P5C8 protein comprising the sequence of SEQ ID NO: 2 or a polynucleotide sequence encoding the codons for SEQ ID NO: 2, which is exemplified by the nucleotide sequence of SEQ ID NO:1.

2. The Office rejected claims 1, 14 and 23 as allegedly being anticipated by WO 200270539 A2, which was filed March 5, 2002. This PCT application claims priority to U.S. Application No. 09/799,451, which was filed March 5, 2001, and is now U.S. Patent No. 6,783,989.

A copy of WO 200270539 was submitted in an Information Disclosure Statement provided in this application mailed on April 5, 2001. This document discloses sequence 1397 which is identical to SEQ ID NO: 2 of the present application.

3. We reduced the claimed invention to practice in the United States prior to the date U.S. Patent No. 6,783,989 was filed (March 5, 2001).

4. This reduction to practice is evidenced by a true and accurate copy of an email message sent to various members of the scientific staff by inventor Steve C. Mitchell on January 3, 2001. The email provides the nucleic acid and amino acid sequences of the material encompassed by the claims in the above-referenced patent application. A copy of this email is provided as Exhibit A.

5. The nucleotide sequence disclosed in Exhibit A consists of 2,103 nucleotides and 699 amino acids.

6. Exhibit B shows a comparison of the nucleotide sequence of SEQ ID NO:1 and the nucleotide sequence disclosed in Exhibit A. Every single nucleotide disclosed in SEQ ID NO:1 is present in the nucleotide sequence disclosed in Exhibit A. Accordingly, the email of Exhibit A clearly demonstrates the that nucleotide sequence of SEQ ID NO:1 was in our possession prior to the earliest priority date to which WO 200270539 (the cited art) is entitled to claim.

7. Exhibit C shows a comparison of the amino acid sequence of SEQ ID NO:2 and the amino acid sequence disclosed in Exhibit A. Every single amino acid residue disclosed in SEQ ID NO: 2 is present in the amino acid sequence disclosed in Exhibit A. Accordingly, the email of Exhibit A clearly demonstrates the that amino acid sequence of SEQ ID NO:2 was in our possession prior to the earliest priority date to which WO 200270539 (the cited art) is entitled to claim.

8. In view of the email provided as Exhibit A and the analysis of the sequences disclosed therein and shown in Exhibits B and C, we declare that the invention of the pending claims was reduced to practice in the United States prior to March 5, 2001, the earliest priority date available to the cited document.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Executed at

(City/State)

Aya JAKOBOVITS

(City/State)

Daniel E.H. AFAR

(City/State)

Steve Chappell MITCHELL

(City/State)

Pia M. CHALLITA-EID

(City/State)

Arthur B. RAITANO

(City/State)

Mary FARIS

**COPY**

Conte



<a href="#">Ship</a>	<a href="#">Track</a>	<a href="#">Services</a>	<a href="#">About DHL</a>	<a href="#">Help</a>
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## Track results detail

### Tracking results detail for 29686554752

#### Tracking summary

Current Status	✓ <b>Shipment delivered.</b>	<a href="#">View Signature</a>
Delivered on	1/30/2006 10:32 am	
Delivered to	Residence Door	
Signed for by	LD FD -601 LINDEN PL	<a href="#">What is this?</a>

#### Tracking history

Date and Time	Status	Location
1/30/2006 10:32 am	Shipment delivered.	Franklin Park, IL
1/28/2006 7:59 am	Arrived at DHL facility.	Franklin Park, IL
1/27/2006 5:15 pm	Departing origin.	Santa Monica, CA
4:09 pm	Picked Up by DHL.	Shipper's Door
<b>Ship From:</b> AGENSYS Santa Monica, CA 90404 United States	<b>Ship To:</b> STEVE CHAPPELL MITCHELL Evanston, IL 60202 United States	<b>Shipment Information:</b> Ship date: 1/27/2006 Pieces: 1 Total weight: 1 lb Ship Type: Letter Expre Shipment Reference: 61 INTELLECT PROP. Service: Next Day Special Service: Description:
<b>Attention:</b> AGENSYS	<b>Attention:</b> STEVE CHAPPELL MITCHELL	

Tracking detail provided by DHL: 2/14/2006, 8:09:03 am pt.

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#### Questions?

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Popp, Shane

From: Mitchell, Steve  
Sent: Wednesday, January 03, 2001 1:43 PM  
To: Scientists  
Subject: 12SP5C8 reagents.

Colleagues,

The Company reagent for 12SP5C8 (124P1B7/139P3A1) is pasted. It is a PCR based pCR2.1/TA clone (prostate) with three point differences from the Japanese (colon) reported hypothetical sequence. Two point are conserved for translation whereas the third point difference gives an amino acid change near the 3 prime end. This is verified with genomic sequencing.

>12SP5C8(124P1B7/139P3A1) pCR2.1 subclone

```
CGATGACCTCGCTGTGGAGAGAAATCCTCTTGGAGTGGCTGCTGGGATGTGTTTCTTGGTCTCTCTACCATGACCTGGGACCGATG
ATCTATTACTTTCTTTGCAAACTAGAACTCACTGGGCTTGAAGTTTATAGTATAGCATTCTTTCTCCAATATTCCTAACAATTACT
CCTTTCTGGAAATTGGTTAACAAGAAGTGGATGCTAACCTGCTGAGGATAATCACTATTGGCAGCATAGCCTCCTCCAGGCTCCA
AATGCCAACTTCGACTGATGTTCTTGGCTTGGGGTGTCTTCTCACTGATAGTGAAGCTGTGACTTGGTGGTGGGAAAGTCAT
TTGCAAAGGTACCTCAGAAATTTGGGGATTCATTTAGGACAGATTGTTCTTGTGTTCTACGCATATGGTATACTTCACTAAACCCAAT
CTGGAGTTATCAGATGTCCAACAAAGTGATAGTACATTAAGTCCATAGCCACACTTGATCGTATTGGCACAGATGGTGAAGTGCAG
TAAACCTGAAGAAAAGAACTGGTGAGGTAGCCACGGGGATGGCCTCTAGACCCAACTGGCTGCTGGCAGGGGCTGCTTTTGGT
AGCCTTGTGTTCTCACCCTGGGTTTTTGGAGAAGTCTCTTGTGTTCCAGATGGGCAGTGAGTGCGCATCCACATCCAGGGCC
AGATCCTAACCCATTGGAGGTGCACTGCTGTGCTTGGCAAGTGGATTGATGCTTCCATCTTGTGTTGTTGGTGGTGGTACTGG
TTTGATCTGGTGGGTACAGGAACAGCTTCAGCTGCGGGGCTCTTACCTGCACACATGGGCAGCTGCTGTGTCTGGCTGTGTCT
TCGCCATCTTTACTGCATCCATGTGGCCCCAAACACTTGGACACCTTATTAAGTGGTCCAGGACAAACCTGGGAAAACCATGACCATG
CCATGATATTTATCTTCTAGAAATATTTTCTGTGCTGGTGCACAGCTTTAAGTTTGTCCAGGAGGTGTCTACGCTGGGAAAG
ATCAGATGTGCTTTTGGGGACAATGATGTTAATTATCGGGCTGAATATGCTATTTGGTCCCTAAGAAAAACCTTGACTTGTCTTCAA
ACAAAAACAGTTCTAAAGTGCTTTTCAAGAAAGAGTGAATAATACATGAACTTTTCTGTGGCTGCTTGTGTTGGTGGGATTGTTGG
GATTAGGACTACGGCATAAAGCCTATGAGAGAAAACCTGGGCAAGTGGCACCAACCAAGAGGTCTCTGCTGCCATCTGGCCTTTC
AGGTTTGGATATGACAAATGAAGGGTGGTCTAGTCTAGAAAGATCAGCTCACCTGCTCAATGAAACAGGTGCAGATTTCATAACAATT
TTGGAGAGTGATGCTTCTAAGCCCTATATGGGGAACAATGACTTAACCATGTGGCTAGGGGAAAAGTTGGGTTTCTATACAGACTTT
GGTCCAAGCACAAGGTATCACACTTGGGGGATTATGGCTTTGTCAAGATACCAATTTGTGAAATCTGAGCATCACCTTCTCCGTCA
CCAGAGGGGCGAGATCGCACAGCCATCACATTGACCGTTAACAATTCGGGGCAAGCTGGTGGATTGTTGCTGACACACTTTGGGAA
CCACGAAGATGACCTCGACAGGAACTGCAGGCTATTGCTGTTTCAAACTACTGAAAAGTAGCTCTAATCAAGTGATATTTCTGGG
ATATATCACTTCAGCACTGGCTCCAGAGATTATCTACAGCTCACTGAACATGGCAATGTGAAGGATATCGACAGCACTGATCATGA
CAGATGGTGTGAATACATTATGTATCGAGGGCTGATCAGGTTGGGTTATGCAAGAATCTCCATGCTGAACTGAGTGATTGAGAAAT
TCAGATGGCAAAATTTAGGATCCCTGATGACCCCACTAATTATAGAGACAACCAAGAGTGGTCATAGACCACAGAGAAGTTTCTGA
GAAAATTCATTTAATCCAGATTGGATCCTACAAAGAAGGACACAATTATGAAAACAACCATCATTTTCATATGAATAGTCCCAAT
ACTTTTATGAAAC
```

>12SP5C8(124P1B7/139P3A1) pCR2.1 subclone

```
MTSLWREILLESLLGCVSWSLYHDLGPMIYFPLQTLLELTGLEGFSIAFLSPFLTTPFWKLVNKKWMLTLRITIGSIASFOAPNAKLRIM
VLALGVSSSLVQAVTWWSGSHLQRYLRWGFILGQNLVLRWYTSNPIWWSYQMSNKVILTSAIATLDRIGTGDCSKPEEKKTGEVA
TGMASRPNWLLAGAAFGSLVFLTHWVFEVSLVSRWAVSGHPHPGPDNPFGGAVLLCLASGLMLPSCLWFRGTGLWVVTGTASAA
GLLYLHTWAAVSGCVAFITASMWPTLGLHINSNTNPGKTMIMIFYLLEIFFCAWCTAFKFVPGGVYARERSDYLLGTMMLIIGLNM
FGPKKNLDLLQTKNSSKVLFRKSEKYMQLFLWLLVGVGLGLGLRHKAYERKLGKVAPTKEVSAAIWPFRFGYDNEGWSLERSAHL
NETGADFITLES DASKPYMGNNDLTMWLGEKLGFTDFGPSTRYHTWGIMALSRYPIVKSEHILLPSPEGEIAPAITLVNISGKLVDFVY
THFGNHEDDLDRKLQAIAYSKLLKSSSNQVIFLGYJTSAPGSRDYLLQTEHGNVMDIDSTDHWRWCEYIMYRGURLGYARISHAELSDSEI
QMAKFRIPDDPTNYRDNQKVVIDHREVSEKIHFNPRFGSYKEGHYENNIHIFHMNTPKYFL
```

Steve Chappell Mitchell  
Associate Scientist  
UroGenesys  
1701 Colorado Avenue  
Santa Monica, CA 90404  
Tel (310)820-8029 x281  
Fax (310)820-8489  
Email smitchell@urogenesys.com  
Url www.urogenesys.com

**Exhibit B****A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email**

	atgacctcgc	tgtggagaga	aatcctcttg	gagtcgctgc	tgggatgtgt	ttcttggtct	SID#1
cg	atgacctcgc	tgtggagaga	aatcctcttg	gagtcgctgc	tgggatgtgt	ttcttggtct	Email

	ctctaccatg	acctgggacc	gatgatctat	tactttcctt	tgcaaact	agaactcact	SID#1
	ctctaccatg	acctgggacc	gatgatctat	tactttcctt	tgcaaact	agaactcact	Email

	gggcttgaag	gttttagtat	agcatttctt	tctccaatat	tcctaacaat	tactcctttc	SID#1
	gggcttgaag	gttttagtat	agcatttctt	tctccaatat	tcctaacaat	tactcctttc	Email

	tggaaattgg	ttaacaagaa	gtggatgcta	accctgctga	ggataatcac	tattggcagc	SID#1
	tggaaattgg	ttaacaagaa	gtggatgcta	accctgctga	ggataatcac	tattggcagc	Email

	atagcctcct	tccaggctcc	aaatgccaaa	cttcgactga	tggttcttgc	gcttgggggtg	SID#1
	atagcctcct	tccaggctcc	aaatgccaaa	cttcgactga	tggttcttgc	gcttgggggtg	Email

	tcttcctcac	tgatagtgca	agctgtgact	tggtggtcgg	gaagtcattt	gcaaaggtag	SID#1
	tcttcctcac	tgatagtgca	agctgtgact	tggtggtcgg	gaagtcattt	gcaaaggtag	Email

	ctcagaattt	ggggattcat	tttaggacag	attgttcttg	ttgttctacg	catatgggtat	SID#1
	ctcagaattt	ggggattcat	tttaggacag	attgttcttg	ttgttctacg	catatgggtat	Email

	acttcactaa	acccaatctg	gagttatcag	atgtccaaca	aagtgatact	gacattaagt	SID#1
	acttcactaa	acccaatctg	gagttatcag	atgtccaaca	aagtgatact	gacattaagt	Email

	gccatagcca	cacttgatcg	tattggcaca	gatggtgact	gcagtaaacc	tgaagaaaag	SID#1
	gccatagcca	cacttgatcg	tattggcaca	gatggtgact	gcagtaaacc	tgaagaaaag	Email

	aagactgggtg	aggtagccac	ggggatggcc	tctagacca	actggctgct	ggcaggggct	SID#1
	aagactgggtg	aggtagccac	ggggatggcc	tctagacca	actggctgct	ggcaggggct	Email

	gcttttggtg	gccttggtgt	cctcaccac	tgggtttttg	gagaagtctc	tcttgtttcc	SID#1
	gcttttggtg	gccttggtgt	cctcaccac	tgggtttttg	gagaagtctc	tcttgtttcc	Email

**Exhibit B****A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email**

agatgggcag	tgagtgggca	tccacatcca	gggccagatc	ctaaccatt	tggaggtgca	SID#1
agatgggcag	tgagtgggca	tccacatcca	gggccagatc	ctaaccatt	tggaggtgca	Email

gtactgctgt	gcttggcaag	tggattgatg	cttccatctt	gtttgtgggt	tcgtggtact	SID#1
gtactgctgt	gcttggcaag	tggattgatg	cttccatctt	gtttgtgggt	tcgtggtact	Email

ggtttgatct	ggtgggttac	aggaacagct	tcagctgcgg	ggctccttta	cctgcacaca	SID#1
ggtttgatct	ggtgggttac	aggaacagct	tcagctgcgg	ggctccttta	cctgcacaca	Email

tgggcagctg	ctgtgtctgg	ctgtgtcttc	gccatcttta	ctgcatccat	gtggccccaa	SID#1
tgggcagctg	ctgtgtctgg	ctgtgtcttc	gccatcttta	ctgcatccat	gtggccccaa	Email

acacttgac	accttattaa	ctcagggaca	aaccctggga	aaaccatgac	cattgccatg	SID#1
acacttgac	accttattaa	ctcagggaca	aaccctggga	aaaccatgac	cattgccatg	Email

atattttatc	ttctagaaat	atttttctgt	gcctgggtgca	cagcttttaa	gtttgtccca	SID#1
atattttatc	ttctagaaat	atttttctgt	gcctgggtgca	cagcttttaa	gtttgtccca	Email

ggaggtgtct	acgctagaga	aagatcagat	gtgcttttgg	ggacaatgat	gttaattatc	SID#1
ggaggtgtct	acgctagaga	aagatcagat	gtgcttttgg	ggacaatgat	gttaattatc	Email

gggctgaata	tgctatttgg	tcctaagaaa	aaccttgact	tgcttcttca	aacaaaaaac	SID#1
gggctgaata	tgctatttgg	tcctaagaaa	aaccttgact	tgcttcttca	aacaaaaaac	Email

agttctaaag	tgcttttcag	aaagagtga	aaatacatga	aactttttct	gtggctgctt	SID#1
agttctaaag	tgcttttcag	aaagagtga	aaatacatga	aactttttct	gtggctgctt	Email

gttggtgtgg	gattgttggg	attaggacta	cggcataaag	cctatgagag	aaaactgggc	SID#1
gttggtgtgg	gattgttggg	attaggacta	cggcataaag	cctatgagag	aaaactgggc	

**Exhibit B****A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email**

aaagtggcac	caaccaaaga	ggtctctgct	gccatctggc	ctttcaggtt	tggatatgac	SID#1
aaagtggcac	caaccaaaga	ggtctctgct	gccatctggc	ctttcaggtt	tggatatgac	Email
aatgaagggg	ggtctagtct	agaaagatca	gctcacctgc	tcaatgaaac	aggtgcagat	SID#1
aatgaagggg	ggtctagtct	agaaagatca	gctcacctgc	tcaatgaaac	aggtgcagat	Email
ttcataacaa	ttttggagag	tgatgcttct	aagccctata	tggggaacaa	tgacttaacc	SID#1
ttcataacaa	ttttggagag	tgatgcttct	aagccctata	tggggaacaa	tgacttaacc	Email
atgtggctag	gggaaaagtt	gggtttctat	acagactttg	gtccaagcac	aaggtatcac	SID#1
atgtggctag	gggaaaagtt	gggtttctat	acagactttg	gtccaagcac	aaggtatcac	Email
acttggggga	ttatggcttt	gtcaagatac	ccaattgtga	aatctgagca	tcaccttctt	SID#1
acttggggga	ttatggcttt	gtcaagatac	ccaattgtga	aatctgagca	tcaccttctt	Email
ccgtcaccag	agggcgagat	cgcaccagcc	atcacattga	ccgttaacat	ttcgggcaag	SID#1
ccgtcaccag	agggcgagat	cgcaccagcc	atcacattga	ccgttaacat	ttcgggcaag	Email
ctgggtggatt	ttgtcgtgac	acactttggg	aaccacgaag	atgacctcga	caggaaactg	SID#1
ctgggtggatt	ttgtcgtgac	acactttggg	aaccacgaag	atgacctcga	caggaaactg	Email
caggctattg	ctgtttcaaa	actactgaaa	agtagctcta	atcaagtgat	atttctggga	SID#1
caggctattg	ctgtttcaaa	actactgaaa	agtagctcta	atcaagtgat	atttctggga	Email
tatatcactt	cagcacctgg	ctccagagat	tatctacagc	tcactgaaca	tggcaatgtg	SID#1
tatatcactt	cagcacctgg	ctccagagat	tatctacagc	tcactgaaca	tggcaatgtg	Email
aaggatatcg	acagcactga	tcatgacaga	tggtgtgaat	acattatgta	tcgagggctg	SID#1
aaggatatcg	acagcactga	tcatgacaga	tggtgtgaat	acattatgta	tcgagggctg	Email
atcaggttgg	gttatgcaag	aatctcccat	gctgaactga	gtgattcaga	aattcagatg	SID#1
atcaggttgg	gttatgcaag	aatctcccat	gctgaactga	gtgattcaga	aattcagatg	

**Exhibit B****A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email**

gcaaaattta ggatccctga tgacccact aattatagag acaaccagaa agtgggcata SID#1  
||||||| ||||||| ||||||| ||||||| ||||||| |||||||  
gcaaaattta ggatccctga tgacccact aattatagag acaaccagaa agtgggcata Email

gaccacagag aagtttctga gaaaattcat tttaatccca gatttggatc ctacaaagaa SID#1  
||||||| ||||||| ||||||| ||||||| ||||||| |||||||  
gaccacagag aagtttctga gaaaattcat tttaatccca gatttggatc ctacaaagaa Email

ggacacaatt atgaaaacaa ccatcatttt catatgaata ctcccaaata ctttttatga SID#1  
||||||| ||||||| ||||||| ||||||| ||||||| |||||||  
ggacacaatt atgaaaacaa ccatcatttt catatgaata ctcccaaata ctttttatga Email

aac SID#1  
|||  
aac Email

**Exhibit C****A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Met Thr Ser Leu Trp Arg Glu Ile Leu Leu Glu Ser Leu Leu Gly (SID #2)  
 | | | | | | | | | | | | | |  
 Met Thr Ser Leu Trp Arg Glu Ile Leu Leu Glu Ser Leu Leu Gly (Email)

Cys Val Ser Trp Ser Leu Tyr His Asp Leu Gly Pro Met Ile Tyr Tyr (SID #2)  
 | | | | | | | | | | | | | |  
 Cys Val Ser Trp Ser Leu Tyr His Asp Leu Gly Pro Met Ile Tyr Tyr (Email)

Phe Pro Leu Gln Thr Leu Glu Leu Thr Gly Leu Glu Gly Phe Ser Ile (SID #2)  
 | | | | | | | | | | | | | |  
 Phe Pro Leu Gln Thr Leu Glu Leu Thr Gly Leu Glu Gly Phe Ser Ile (Email)

Ala Phe Leu Ser Pro Ile Phe Leu Thr Ile Thr Pro Phe Trp Lys Leu (SID #2)  
 | | | | | | | | | | | | | |  
 Ala Phe Leu Ser Pro Ile Phe Leu Thr Ile Trp Pro Phe Trp Lys Leu (Email)

Val Asn Lys Lys Trp Met Leu Thr Leu Leu Arg Ile Ile Thr Ile Gly (SID #2)  
 | | | | | | | | | | | | | |  
 Val Asn Lys Lys Trp Met Leu Thr Leu Leu Arg Ile Ile Thr Ile Gly (Email)

Ser Ile Ala Ser Phe Gln Ala Pro Asn Ala Lys Leu Arg Leu Met Val (SID #2)  
 | | | | | | | | | | | | | |  
 Ser Ile Ala Ser Phe Gln Ala Pro Asn Ala Lys Leu Arg Leu Met Val (Email)

Leu Ala Leu Gly Val Ser Ser Ser Leu Ile Val Gln Ala Val Thr Trp (SID #2)  
 | | | | | | | | | | | | | |  
 Leu Ala Leu Gly Val Ser Ser Ser Leu Ile Val Gln Ala Val Thr Trp (Email)

Trp Ser Gly Ser His Leu Gln Arg Tyr Leu Arg Ile Trp Gly Phe Ile (SID #2)  
 | | | | | | | | | | | | | |  
 Trp Ser Gly Ser His Leu Gln Arg Tyr Leu Arg Ile Trp Gly Phe Ile (Email)

Leu Gly Gln Ile Val Leu Val Val Leu Arg Ile Trp Tyr Thr Ser Leu (SID #2)  
 | | | | | | | | | | | | | |  
 Leu Gly Gln Ile Val Leu Val Val Leu Arg Ile Trp Tyr Thr Ser Leu (Email)

Asn Pro Ile Trp Ser Tyr Gln Met Ser Asn Lys Val Ile Leu Thr Leu (SID #2)  
 | | | | | | | | | | | | | |  
 Asn Pro Ile Trp Ser Tyr Gln Met Ser Asn Lys Val Ile Leu Thr Leu (Email)

Ser Ala Ile Ala Thr Leu Asp Arg Ile Gly Thr Asp Gly Asp Cys Ser (SID #2)  
 | | | | | | | | | | | | | |  
 Ser Ala Ile Ala Thr Leu Asp Arg Ile Gly Thr Asp Gly Asp Cys Ser (Email)

**Exhibit C****A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Lys	Pro	Glu	Glu	Lys	Lys	Thr	Gly	Glu	Val	Ala	Thr	Gly	Met	Ala	Ser	(SID #2)
Lys	Pro	Glu	Glu	Lys	Lys	Thr	Gly	Glu	Val	Ala	Thr	Gly	Met	Ala	Ser	(Email)

Arg	Pro	Asn	Trp	Leu	Leu	Ala	Gly	Ala	Ala	Phe	Gly	Ser	Leu	Val	Phe	(SID #2)
Arg	Pro	Asn	Trp	Leu	Leu	Ala	Gly	Ala	Ala	Phe	Gly	Ser	Leu	Val	Phe	(Email)

Leu	Thr	His	Trp	Val	Phe	Gly	Glu	Val	Ser	Leu	Val	Ser	Arg	Trp	Ala	(SID #2)
Leu	Thr	His	Trp	Val	Phe	Gly	Glu	Val	Ser	Leu	Val	Ser	Arg	Trp	Ala	(Email)

Val	Ser	Gly	His	Pro	His	Pro	Gly	Pro	Asp	Pro	Asn	Pro	Phe	Gly	Gly	(SID #2)
Val	Ser	Gly	His	Pro	His	Pro	Gly	Pro	Asp	Pro	Asn	Pro	Phe	Gly	Gly	(Email)

Ala	Val	Leu	Leu	Cys	Leu	Ala	Ser	Gly	Leu	Met	Leu	Pro	Ser	Cys	Leu	(SID #2)
Ala	Val	Leu	Leu	Cys	Leu	Ala	Ser	Glu	Leu	Met	Leu	Pro	Ser	Cys	Leu	(Email)

Trp	Phe	Arg	Gly	Thr	Gly	Leu	Ile	Trp	Trp	Val	Thr	Gly	Thr	Ala	Ser	(SID #2)
Trp	Phe	Arg	Gly	Thr	Gly	Leu	Ile	Trp	Trp	Val	Thr	Gly	Thr	Ala	Ser	(Email)

Ala	Ala	Gly	Leu	Leu	Tyr	Leu	His	Thr	Trp	Ala	Ala	Ala	Val	Ser	Gly	(SID #2)
Ala	Ala	Gly	Leu	Leu	Tyr	Leu	His	Thr	Trp	Ala	Ala	Ala	Val	Ser	Gly	(Email)

Cys	Val	Phe	Ala	Ile	Phe	Thr	Ala	Ser	Met	Trp	Pro	Gln	Thr	Leu	Gly	(SID #2)
Cys	Val	Phe	Ala	Ile	Phe	Thr	Ala	Ser	Met	Trp	Pro	Gln	Thr	Leu	Gly	(Email)

His	Leu	Ile	Asn	Ser	Gly	Thr	Asn	Pro	Gly	Lys	Thr	Met	Thr	Ile	Ala	(SID #2)
His	Leu	Ile	Asn	Ser	Gly	Thr	Asn	Pro	Gly	Lys	Thr	Met	Thr	Ile	Ala	(Email)

Met	Ile	Phe	Tyr	Leu	Leu	Glu	Ile	Phe	Phe	Cys	Ala	Trp	Cys	Thr	Ala	(SID #2)
Met	Ile	Phe	Tyr	Leu	Leu	Glu	Ile	Phe	Phe	Cys	Ala	Trp	Cys	Thr	Ala	(Email)

Phe	Lys	Phe	Val	Pro	Gly	Gly	Val	Tyr	Ala	Arg	Glu	Arg	Ser	Asp	Val	(SID #2)
Phe	Lys	Phe	Val	Pro	Gly	Gly	Val	Tyr	Ala	Arg	Glu	Arg	Ser	Asp	Val	(Email)

**Exhibit C**  
**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Leu Leu Gly Thr Met Met Leu Ile Ile Gly Leu Asn Met Leu Phe Gly (SID #2)  
 | | | | | | | | | | | | | | |  
 Leu Leu Gly Thr Met Met Leu Ile Ile Gly Leu Asn Met Leu Phe Gly (Email)

Pro Lys Lys Asn Leu Asp Leu Leu Leu Gln Thr Lys Asn Ser Ser (SID #2)  
 | | | | | | | | | | | | | | |  
 Pro Lys Lys Asn Leu Asp Leu Leu Leu Gln Thr Lys Asn Ser Ser (Email)

Lys Val Leu Phe Arg Lys Ser Glu Lys Tyr Met Lys Leu Phe Leu Trp (SID #2)  
 | | | | | | | | | | | | | | |  
 Lys Val Leu Phe Arg Lys Ser Glu Lys Tyr Met Lys Leu Phe Leu Trp (Email)

Leu Leu Val Gly Val Gly Leu Leu Gly Leu Gly Leu Arg His Lys Ala (SID #2)  
 | | | | | | | | | | | | | | |  
 Leu Leu Val Gly Val Gly Leu Leu Gly Leu Gly Leu Arg His Lys Ala (Email)

Tyr Glu Arg Lys Leu Gly Lys Val Ala Pro Thr Lys Glu Val Ser Ala Ala (SID #2)  
 | | | | | | | | | | | | | | |  
 Tyr Glu Arg Lys Leu Gly Lys Val Ala Pro Thr Lys Glu Val Ser Ala Ala (Email)

Ile Trp Pro Phe Arg Phe Gly Tyr Asp Asn Glu Gly Trp Ser Ser (SID #2)  
 | | | | | | | | | | | | | | |  
 Ile Trp Pro Phe Arg Phe Gly Tyr Asp Asn Glu Gly Trp Ser Ser (Email)

Leu Glu Arg Ser Ala His Leu Leu Asn Glu Thr Gly Ala Asp Phe Ile (SID #2)  
 | | | | | | | | | | | | | | |  
 Leu Glu Arg Ser Ala His Leu Leu Asn Glu Thr Gly Ala Asp Phe Ile (Email)

Thr Ile Leu Glu Ser Asp Ala Ser Lys Pro Tyr Met Gly Asn Asn Asp (SID #2)  
 | | | | | | | | | | | | | | |  
 Thr Ile Leu Glu Ser Asp Ala Ser Lys Pro Tyr Met Gly Asn Asn Asp (Email)

Leu Thr Met Trp Leu Gly Glu Lys Leu Gly Phe Tyr Thr Asp Phe Gly (SID #2)  
 | | | | | | | | | | | | | | |  
 Leu Thr Met Trp Leu Gly Glu Lys Leu Gly Phe Tyr Thr Asp Phe Gly (Email)

Pro Ser Thr Arg Tyr His Thr Trp Gly Ile Met Ala Leu Ser Arg Tyr (SID #2)  
 | | | | | | | | | | | | | | |  
 Pro Ser Thr Arg Tyr His Thr Trp Gly Ile Met Ala Leu Ser Arg Tyr (Email)

Pro Ile Val Lys Ser Glu His His Leu Leu Pro Ser Pro Glu Gly Glu (SID #2)  
 | | | | | | | | | | | | | | |  
 Pro Ile Val Lys Ser Glu His His Leu Leu Pro Ser Pro Glu Gly Glu (Email)



**Exhibit C****A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Ile Ala Pro Ala Ile Thr Leu Thr Val Asn Ile Ser Gly Lys Leu Val (SID #2)  
 | | | | | | | | | | | | | | |  
 Ile Ala Pro Ala Ile Thr Leu Thr Val Asn Ile Ser Gly Lys Leu Val (Email)

Asp Phe Val Val Thr His Phe Gly Asn His Glu Asp Asp Leu Asp Arg (SID #2)  
 | | | | | | | | | | | | | | |  
 Asp Phe Val Val Thr His Phe Gly Asn His Glu Asp Asp Leu Asp Arg (Email)

Lys Leu Gln Ala Ile Ala Val Ser Lys Leu Leu Lys Ser Ser Ser Asn (SID #2)  
 | | | | | | | | | | | | | | |  
 Lys Leu Gln Ala Ile Ala Val Ser Lys Leu Leu Lys Ser Ser Ser Asn (Email)

Gln Val Ile Phe Leu Gly Tyr Ile Thr Ser Ala Pro Gly Ser Arg Asp (SID #2)  
 | | | | | | | | | | | | | | |  
 Gln Val Ile Phe Leu Gly Tyr Ile Thr Ser Ala Pro Gly Ser Arg Asp

Tyr Leu Gln Leu Thr Glu His Gly Asn Val Lys Asp Ile Asp Ser Thr (SID #2)  
 | | | | | | | | | | | | | | |  
 Tyr Leu Gln Leu Thr Glu His Gly Asn Val Lys Asp Ile Asp Ser Thr (Email)

Asp His Asp Arg Trp Cys Glu Tyr Ile Met Tyr Arg Gly Leu Ile Arg (SID #2)  
 | | | | | | | | | | | | | | |  
 Asp His Asp Arg Trp Cys Glu Tyr Ile Met Tyr Arg Gly Leu Ile Arg (Email)

Leu Gly Tyr Ala Arg Ile Ser His Ala Glu Leu Ser Asp Ser Glu Ile (SID #2)  
 | | | | | | | | | | | | | | |  
 Leu Gly Tyr Ala Arg Ile Ser His Ala Glu Leu Ser Asp Ser Glu Ile (Email)

Gln Met Ala Lys Phe Arg Ile Pro Asp Asp Pro Thr Asn Tyr Arg Asp (SID #2)  
 | | | | | | | | | | | | | | |  
 Gln Met Ala Lys Phe Arg Ile Pro Asp Asp Pro Thr Asn Tyr Arg Asp (Email)

Asn Gln Lys Val Val Ile Asp His Arg Glu Val Ser Glu Lys Ile His (SID #2)  
 | | | | | | | | | | | | | | |  
 Asn Gln Lys Val Val Ile Asp His Arg Glu Val Ser Glu Lys Ile His (SID #2)

Phe Asn Pro Arg Phe Gly Ser Tyr Lys Glu Gly His Asn Tyr Glu Asn (SID #2)  
 | | | | | | | | | | | | | | |  
 Phe Asn Pro Arg Phe Gly Ser Tyr Lys Glu Gly His Asn Tyr Glu Asn (Email)

Asn His His Phe His Met Asn Thr Pro Lys Tyr Phe Leu (SID #2)  
 | | | | | | | | | | | | | | |  
 Asn His His Phe His Met Asn Thr Pro Lys Tyr Phe Leu (Email)

Waybill #: 15170591752

Origin: **SBP**  
Date Printed: 3/3/2006

Webship API 02.00 (01/2004)

<b>To:</b> Steve Chappell Mitchell 601 Linden Place, #311 Evanston, IL 60202 UNITED STATES  <b>Attention To:</b> Steve Chappell Mitchell <b>Phone #:</b> (310) 820-8029	<b>Service:</b> <b>E</b>
	<b>Special Service:</b>
	<b>Route:</b> <b>SKOF 3B</b>



www.dhl.com



www.wwexship.com

**From:**  
AGENSYS  
1545 17TH STREET  
SANTA MONICA, CA 90404  
UNITED STATES**Sent By:** Shane Popp  
**Phone #:** 310-820-8029**Description:**  
**Weight (lbs.):** Letter      **Dims:** 0 X 0 X 0  
**Pieces:** 1 of 1  
**Bill Shipment To:** Sender  
**Ship Ref:** 6600- Gen Intellect Prop.

Please fold or cut in half

**DO NOT PHOTOCOPY**

Using a photocopy could delay the delivery of your package and will result in additional shipping charge

Create New ShipmentView Pending Shipments**SENDER'S RECEIPT****Airbill #:** 15170591752**To(Company):**Steve Chappell Mitchell  
601 Linden Place, #311Evanston, IL 60202  
United States**Attention To:** Steve Chappell Mitchell**Phone #:** (310) 820-8029**Sent By:** Shane Popp**Phone #:** 310-820-8029**Rate Estimate:** 13.47  
**Protection:** None Required      **Amount:** \$0  
**Description:**  
**Weight:** Letter  
**Dimensions:** 0 X 0 X 0  
**Ship Ref:** 6600- Gen Intellect Prop.  
**Service Level:** Express  
(Next business day by 12 PM)  
**Special Service:**  
**COD Amount:** \$0.00  
**Payment Options:**  
**Date Printed:** 2006-03-03  
**Bill Shipment To:** Sender  
**Bill To Account:** 782042209  
**Ship Date:** 2006-03-03DHL Signature (optional) \_\_\_\_\_ **Route** \_\_\_\_\_ **Date** \_\_\_\_\_ **Time** \_\_\_\_\_For Tracking, please go to [www.dhl-usa.com](http://www.dhl-usa.com) or call 1-800-CALL-DHL  
Thank you for shipping with DHL Worldwide Express

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Current Status	✓ <b>Shipment Delivered</b>
Delivered on	3/6/06 11:35 am
Delivered to	Residence Door
Signed for by	LD FD -601 LINDEN PL <a href="#">Help me with the signed by codes</a>

### Signature

FRONT DOOR  
LD FD -601 LINDEN PL  
LOCALLY DELIVERED

For a description of the code above, please click [here](#).

### Receiver Information

Please retry later to obtain receiver information.

Tracking detail provided by DHL: 3/8/2006 9:36:28 AM

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Signature](#) [Track new  
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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/809,638
		Filing Date	March 14, 2001
		First Named Inventor	Mary FARIS
		Art Unit	1643
		Examiner Name	A. Harris
Total Number of Pages in This Submission	96	Attorney Docket Number	511582003500

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form – Form PTO/SB/17p (1 page + duplicate for fee processing)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply (6 pages)	<input checked="" type="checkbox"/> Petition – 1.183 Petition for inventor FARIS (52 pages) and 1.183 Petition for inventor MITCHELL (33 pages)	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s) – with Exhibits A through C (13 pages)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Customer No. 36327	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	James J. Mullen III, Ph.D.		
Date	March 15, 2006	Reg. No.	44,957

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